

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEANNE CARTER and
ROBERT CARTER, wife and husband,

Plaintiffs

v.

TA OPERATING, LLC and
TRAVELCENTERS OF AMERICA, LLC, both
d/b/a TRAVELCENTERS OF AMERICA and
PETRO STOPPING CENTERS and
PETRO SCRANTON #378,

Defendants

: 3:16-cv-1390
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: CIVIL ACTION No.:
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: JURY TRIAL DEMANDED
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FILED
SCRANTON

JUL - 5 2016

PER
DEPUTY CLERK

COMPLAINT

The Plaintiffs, Jeanne Carter and Robert Carter, wife and husband, by and through their attorneys, DOUGHERTY, LEVENTHAL & PRICE, L.L.P., hereby complain against the above-named Defendants as follows:

THE PARTIES

1. Plaintiffs Jeanne Carter and Robert Carter, wife and husband, are adult and competent individuals residing at 1407 Welcome Road, Newnan, GA 30263.
2. The Defendants, TA Operating, LLC and TravelCenters of America, LLC, both d/b/a TravelCenters of America and Petro Stopping Centers and Petro Scranton #378, are corporations organized under the laws of a State other than the Commonwealth of Pennsylvania and have a principal place of business located at 24601 Center Ridge Road, Suite 200, Westlake,

OH 44145-5677.

JURISDICTION

3. Jurisdiction is based on 28 U.S.C. §1332(a)(1) as this civil action involves a controversy between entities and/or citizens of different states, and the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).

BACKGROUND INFORMATION

4. The Defendants are the owners and operators of a **travel center** located at 98 Grove Street, Dupont/Pittston, Luzerne County, PA 18641 (just off of Exit 178B on Interstate 81).

5. The Defendants' **travel center** contains a **store**, owned and operating by the Defendants, at which the Defendants sell travel-related merchandise to the public.

6. Through their agents, servants and/or employees, the Defendants set up displays of merchandise in their **store** and maintain those merchandise displays.

7. The Defendants owe a duty of care to the public to keep their merchandise displays in a safe condition.

8. On or about July 12, 2014, the Defendants' merchandise displays at their **store** included a metal object that rested on a prong that was in turn attached to a pegboard wall, several feet above floor level.

9. On or about July 12, 2014, Plaintiffs stopped at the Defendants' above-referenced

travel center as they were driving from New Hampshire to Georgia.

10. Plaintiffs were business invitees while they were on the Defendants' premises.

11. While Jeanne was in the Defendants' **store** in their **travel center**, the metal object referenced above slid off of the prong upon which it had rested, fell downward and struck Mrs. Carter on her head.

COUNT I

NEGLIGENCE

Jeanne Carter, Plaintiff v.
TA Operating, LLC and TravelCenters of America, LLC,
both d/b/a TravelCenters of America and
Petro Stopping Centers and Petro Scranton #378, Defendants

12. Plaintiffs incorporate paragraphs 1 through 11 above as fully as if the same were set forth at length herein.

13. The incident was caused by the negligence of the Defendants, by and through their agents, servants and/or employees, by failing to properly secure merchandise displayed in its **store**, specifically the metal object.

14. The Defendants' negligence was the sole cause of the incident and resulted in bodily injury to Mrs. Carter, including closed head trauma and post-concussion syndrome, with cognitive and balance deficiencies.

15. As a result of the Defendants' negligence, Mrs. Carter has required medical treatment and has incurred medical bills for her treatment, and she will continue to require medical treatment and incur medical bills for an indefinite period of time into the future.

16. As a result of the Defendants' negligence, Mrs. Carter has endured physical and mental pain and suffering, and she will continue to endure physical and mental pain and suffering for an indefinite period of time into the future.

17. As a result of the Defendants' negligence, Mrs. Carter has suffered embarrassment and humiliation, and she will continue to suffer embarrassment and humiliation for an indefinite period of time into the future.

18. As a result of the Defendants' negligence, Mrs. Carter has suffered a loss of the ordinary pleasures of her life, and she will continue to suffer a loss of the ordinary pleasures of her life for an indefinite period of time into the future.

WHEREFORE, Plaintiffs Jeanne Carter and Robert Carter, wife and husband, respectfully request that the Court enter judgment in their favor against the Defendants in an amount in excess of seventy-five thousand dollars (\$75,000.00), plus costs and delay damages pursuant to Pennsylvania Rule of Civil Procedure 238.

COUNT II

LOSS OF CONSORTIUM

Robert Carter, Plaintiff v.
TA Operating, LLC and TravelCenters of America, LLC,
both d/b/a TravelCenters of America and
Petro Stopping Centers and Petro Scranton #378, Defendants

19. Plaintiffs incorporate paragraphs 1 through 18 above as fully as if the same were set forth at length herein.

20. As a result of the Defendants' negligence, Mr. Carter has been deprived of his

wife's care, comfort, services and society, and Mr. Carter will continue to be deprived of his wife's care, comfort, services and society for an indefinite period of time into the future.

WHEREFORE, Plaintiffs Jeanne Carter and Robert Carter, wife and husband, respectfully request that the Court enter judgment in their favor against the Defendants in an amount in excess of seventy-five thousand dollars (\$75,000.00), plus costs and delay damages pursuant to Pennsylvania Rule of Civil Procedure 238.

DOUGHERTY, LEVENTHAL & PRICE L.L.P.

BY: **James M. Wetter, Esq.**
Attorney I.D. #46847

**459 Wyoming Avenue
Kingston, PA 18704
(570) 288-1427**

**Attorneys for the Plaintiffs,
JEANNE CARTER and ROBERT CARTER,
wife and husband**

VERIFICATION

I, **JEANNE CARTER**, am one of the named Plaintiffs in this action, and as such I am authorized to make this Verification on my behalf. The facts set forth in the foregoing **COMPLAINT** are based on information furnished to counsel, which information has been gathered by counsel in the course of this lawsuit. The language of the Complaint is that of counsel and not of the undersigned. The undersigned verifies that she has read the attached Pleading and that it is true and correct to the best of my information and belief. The contents of the Complaint were drafted by counsel, and the undersigned has relied upon counsel in making this Verification. This Verification is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

7/2/2016
DATED

Jeanne Carter
JEANNE CARTER

VERIFICATION

I, **ROBERT CARTER**, am one of the named Plaintiffs in this action, and as such I am authorized to make this Verification on my behalf. The facts set forth in the foregoing **COMPLAINT** are based on information furnished to counsel, which information has been gathered by counsel in the course of this lawsuit. The language of the Complaint is that of counsel and not of the undersigned. The undersigned verifies that he has read the attached Pleading and that it is true and correct to the best of my information and belief. The contents of the Complaint were drafted by counsel, and the undersigned has relied upon counsel in making this Verification. This Verification is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

7/2/2016

DATED

Robert Carter

ROBERT CARTER